

To: Wilson, Kristina (DEQ)[WilsonK17@michigan.gov]  
From: (b) (6)  
Sent: Fri 2/2/2018 3:37:26 AM  
Subject: Back Forty Wetland Permit Application comments

Greetings Michigan Department of Environmental Quality,

I am submitting additional questions/concerns regarding the wetland application for the Back Forty mine site. This is in addition to what I submitted at the hearing and what I intended to speak on that night.

I am an adjacent property owner to the Project Site, a property owner on the Menominee River and a resident of Wisconsin that gets drinking water from Lake Michigan via the Bay of Green Bay and the Menominee River. Please consider the following when reviewing the Wetland Permit application.

**In Volume VI, Section 6, the following portions are of concern to me:**

- 1) Paragraph 1: "The analysis is therefore limited in that it does not have the ability to assess changes in wetland ecology or losses in wetland values and functions which need to be factored into the wetland mitigation plan for the Project." How then do they feel confident enough to submit the report? If the analysis is not good enough to do this, how can we assure there won't be damages outside of the 11' metal chain-link fence. Until this is known, the permit should not be approved.
- 2) Paragraph 2, Bullet 2: "The model uses a conservatively low estimate of runoff into the wetlands which tend to overestimate hydrologic impacts to the wetlands." I am concerned that these runoffs will be loaded with contaminants due to the location of the wetlands with respect to the; Mine Pit, Collection Sump, Mine Waste Storage Areas, Overburden Stockpile and facilities related to the Process Plant. Do we really think these fenced off wetland areas to remain will be worth anything when they are surrounded by this industrial footprint?
- 3) Paragraph 3: "Overall, modeling results show indirect hydrologic impacts likely to occur to wetland lobes WL-C1 Lobe and WL-A1 West-North Lobe during operating conditions." This is of great concern to us, as adjacent property owners that share the WL-A1 Lobe and its associated WL-2b Lobe, both of which connect off-site. How do they plan to deal with these, "indirect hydrologic impacts", off-site?
- 4) Paragraph 4: "This estimate included those wetlands immediately adjacent to Project Area that would lose a moderate percentage of watershed due to site conditions ...". I would like to know what "a moderate percentage" is. Certainly much more a concern to the owners of said, "wetland immediately adjacent to Project Area". How do they plan to mitigate this?
- 5) Paragraph 5: "Further, no wetlands were found to be indirectly impacted during closure conditions". Sounds like there will be before closure conditions and we don't know how long that will be. We have now heard they may process material from off-site. Is this possible under this application? When will they be done here?
- 6) Paragraph 7: "Confirmation of the above findings pursuant to the model can only be accomplished by wetland hydrology and vegetation monitoring during mining operations". So what they are saying is that they are not sure until something actually happens, if something is going to happen. Once again, how are they going to fix a problem off-site. Don't the adjacent property owners have the right to know what will happen if something does happen?
- 7) Paragraph 7: "Also, adaptive management measures through augmentation...". This leads to the next set of concerns from:

**In the Proposed Wetland Monitoring and Adaptive Management Plan, Section 5:**

- 8) Paragraph 3, Bullet 3: "Mitigation measures to compensate to the extent possible for identified wetland impacts". What are the mitigation measures for impacts off-site of the Project Area? I don't see any mention of this.

9) Paragraph 8: "In the event that unanticipated wetland impacts are identified by the proposed compliance monitoring protocol that cannot be avoided or adequately minimized...". Once again, what is adequately minimized? I am guessing way different for the adjoining property owners than to the mining company that has come and gone. This must be more clear.

10) Paragraph 8: "The mitigation plan also identifies additional candidate sites for supplemental mitigation if needed as a result of unanticipated wetland impacts." An once again, what about adjoining property owners and impacts off-site of the Project Area? This must be more clear.

**Also of concern are some of the limits of the Mine Waste Storage Areas, divided only by an 11' metal chain-link fence.**

11) Figure 4-9: Cross section E-E (WL-B1) shows a fill which is + 4' above existing topography, +/- 12' from the fence, with slopes of 3:1. How will this fence keep the fill material from entering the WL-B1 Lobe? I don't think it will based on the cross section alone. I wonder what the rest of the sections show?

**And lastly, the Terrestrial Biota which lists the Threatened and Endangered/Species of Special Concern.**

12) At one time the Blue-Belly Racer Snake was said to inhabit this area. Is there such a snake and does it still exist?

**Therefore, I would like to request that you **deny** this permit until all of the questions have been answered/addressed.**

**THE FOLLOWING WAS ALSO SUBMITTED AT THE HEARING AND I INTENDED TO SPEAK. AS YOU KNOW WE RAN OUT OF TIME, SO I WAS UNABLE TO DO THAT IN STEPHENSON. PLEASE CONSIDER THESE POINTS AS WELL. THANKS.**

This public hearing is being held to encourage the expression of views and presentation of facts.

It is a fact that the State directly across the river used to have what has been referred to as the "prove it first law". The mining industry, and those from this project, convinced Wisconsin lawmakers to remove the requirement to prove a sulfide mine could be operated for 10 years and closed for 10 years without polluting surface water or groundwater with acid rock drainage.

If the mining industry was so confident that they could mine with polluting, why was this such a focus? The answer is quite simple, they could **not** find an example to satisfy the "prove it first law". So, now they fill a report with words that are left to interpretation by all who read it.

So on to the project at hand and the Wetland Permit Application. The report states, quote "The purpose of this evaluation is to assess the potential for indirect impacts to wetlands and streams that are outside of any proposed direct activities due to project construction and operations. Comparison ... under operating conditions, depth to groundwater remains **minimal** for valley-bottom wetland C1 and wetland 2b/A1/A3, due to their distance from the pit", end-quote.

So, what exactly is **minimal**? Certainly, it is much different to a foreign based company than it is to the residents and adjacent property owners.

The report also states, quote, "Wetland WL-6, located in the southwest part of the project area, was delineated

on-site, but was **not delineated off-site**”, end quote.  
So, if it was **not delineated off-site**, how do they plan to mitigate the damages off-site? Apparently, they don’t.  
Also, quote, “While sub-lobe WL-2b Lobe lost a **large watershed percentage** due to site operations, it also lost a **nearly proportional amount** of wetland area to direct taking”, end quote.  
Is this a good thing? Sounds bad.

It also states, quote,” Also as previously discussed, wetland sub-lobe WL-A1 West-North Lobe shows a **greater drop in water level** during operations (between 20-25 inches), due to the combination of both wetland proximity to contact water areas and fraction of watershed removed”, end quote.  
Wouldn’t a drop of 2 feet have a **significant** impact on the watershed?

Further, quote, “For a wetland to be a **high function** and **value** ...”  
Once again who is deciding what **high function** and more importantly **value** really is? Not us.

The report also states, quote, “**None** of the remaining wetlands under consideration would have **more than 50%** of its watershed removed”, end quote. Is this good? Would we be concerned if they were more than 50%? Well then, how should we feel about another quote, “A second, semi-qualitative estimate of indirect wetland impacts was made. This estimate includes these wetlands immediately adjacent to project areas that would **lose over 50%** of its watershed due to site conditions”, end quote.  
Once again, the foreign company doesn’t care, but what about the public and adjacent property owners.

And lastly quote, “Potential indirect impacts to **wetland functions** and **values**”, it states, “The potential indirect impacts to wetland functions ... in **close proximity** to wetlands”, end-quote.  
What is **close proximity**? Certainly, much different from an office in Canada, then from the banks of the Menominee River.

Ironically, Aquila’s number one goal is to quote, “Preserve the ... mitigation area in perpetuity”, end quote.  
Meanwhile, our number one goal is to preserve the existing area in perpetuity!

- Save our history
- Save our wetlands
- Save our river
- Save our future

We all live downstream!

